



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

HOUSE BILL NO. 207

TUESDAY, JANUARY 24, 2012

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE April 11, 2012
12:12 p.m.
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Mary Sue Bell

1 AN ACT relating to insurance.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF SUBTITLE 20 OF KRS CHAPTER 304
4 IS CREATED TO READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Commercial property and casualty" means any kind of property and
7 casualty insurance relating to commercial risks that is not insurance for
8 personal risks as defined in KRS 304.13-011;

9 (b) "Loss run statement" means a report relating to commercial property and
10 casualty risks maintained by an insurer containing the history of claims
11 occurring within a policy term; and

12 (c) "Provide" means to mail, personally deliver, or electronically send a
13 document, or to allow access through an electronic portal to view or
14 generate a document.

15 (2) An insurer shall provide a loss run statement to an insured or an insurer's agent
16 within twenty (20) calendar days of receipt of a written request submitted by the
17 insured or the insurer's agent.

18 (3) An insurer's agent that receives a loss run statement pursuant to subsection (2) of
19 this section shall provide a copy of the loss run statement to the insured within
20 five (5) calendar days of receipt by the agent.

21 (4) The loss run statement provided pursuant to subsection (2) of this section shall be
22 a five (5)-year loss run history for the prior five (5) years or a complete loss run
23 history with the insurer if the history is less than five (5) years.

24 (5) An insurer's agent that receives a loss run statement pursuant to subsection (2) of
25 this section shall not divulge consumer information to any third party except in
26 accordance with applicable laws governing the privacy of consumer financial
27 information, health information, or other information that is otherwise required

1 by law to be held as confidential.

2 (6) An insurer shall not charge any fees to prepare and provide one (1) loss run
 3 statement in accordance with subsection (2) of this section.

4 ➔SECTION 2. A NEW SECTION OF SUBTITLE 99 OF KRS CHAPTER 304
 5 IS CREATED TO READ AS FOLLOWS:

6 An insurer that fails to provide a loss run statement as required by subsection (2) of
 7 Section 1 of this Act, or an insurer's agent that fails to provide a loss run statement to
 8 an insured as required by subsection (3) of Section 1 of this Act, shall be subject to a
 9 fine of not less than one hundred dollars (\$100) nor more than two hundred fifty
 10 dollars (\$250) for each day that the insurer or the insurer's agent fails to provide a
 11 requested loss run statement.

12 ➔Section 3. KRS 304.48-035 is amended to read as follows:

13 A liability self-insurance group regulated under this subtitle and administrative
 14 regulations promulgated pursuant thereto shall be subject to the provisions of this subtitle,
 15 Subtitle 12 of this chapter, Sections 1 and 2 of this Act, and KRS 304.2-310 to 304.2-
 16 370, to the extent applicable and not in conflict with the expressed provisions of this
 17 subtitle.

18 ➔Section 4. KRS 304.50-155 is amended to read as follows:

19 A group self-insurance fund regulated under this subtitle and administrative regulations
 20 promulgated by the commissioner shall be subject to the provisions of this subtitle,
 21 Subtitle 12 of this chapter, Sections 1 and 2 of this Act, and KRS 304.2-310 to 304.2-
 22 370, to the extent applicable and not in conflict with the expressed provisions of this
 23 subtitle.

24 ➔SECTION 5. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 304
 25 IS CREATED TO READ AS FOLLOWS:

26 (1) An insurer shall inform a claimant upon notification of a motor vehicle damage
 27 claim that he or she has the right to choose the repair facility of his or her choice

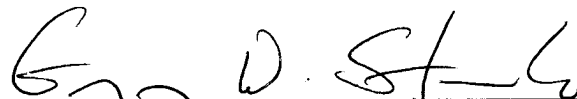
1 to repair a damaged vehicle.

2 (2) After the effective date of this Act, all appraisals shall include the following
 3 notice, printed in not less than ten (10) point, boldfaced type: "NOTICE:
 4 UNDER KENTUCKY LAW, THE CONSUMER AND/OR LESSEE HAS THE
 5 RIGHT TO CHOOSE THE REPAIR FACILITY TO MAKE REPAIRS TO HIS
 6 OR HER MOTOR VEHICLE."


7 (3) The obligations set forth in this section shall not apply to the replacement or
 8 repair of automobile glass.

9 ➔SECTION 6. A NEW SECTION OF SUBTITLE 99 OF KRS CHAPTER 304
 10 IS CREATED TO READ AS FOLLOWS:

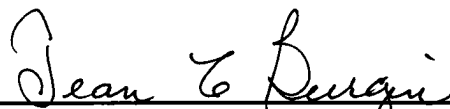
11 Any person who violates Section 5 of this Act shall be subject, at the discretion of the
 12 commissioner, to a fine in an amount of not less than two hundred fifty dollars (\$250)
 13 nor more than five thousand dollars (\$5,000). Each violation shall constitute a
 14 separate offense.



Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 4-11-12